

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

MAR 30 2005

Michael N. Milby, Clerk of Court

Joaquina "Jackie" Morales
Beckey Chamberlain

Plaintiffs

v.

1ST National Bank of Eagle

William Harrison Jr. President (RET.)
Travis Wegehof, Vice President
Carol Mitchell, Asst. Vice President
Beverly Duddleson, Teller

H-05-1079
CIVIL ACTION #

Defendants

ORIGINAL COMPLAINT

The Plaintiff's Joaquina Morales and Becky Chamberlain has worked for the 1st National Bank of Eagle Lake, in Eagle Lake, Texas for a total of Twenty years. During that period of time both plaintiffs have worked every aspect of the bank. Also during that period of time "Trained many of the banks past and present employees. Their names shall be given to the court during "DISCOVERY". This also includes named defendant in this civil action. Beverly Duddleson . During the Plaintiff's combined time they have only received a yearly pay increase for their "Cost of Living" Both plaintiffs have never received any type of warnings or Cautions, on their work performance. Both plaintiffs where "Modal" employee's, which the bank entrusted to train other employee's. Past and Present this was stated in writing to the EEOC. By the bank, however since the Plaintiff's are both

Hispanic they where denied a position which was given to a "female white woman." Ms. Beverly Duddleson, named defendant. A Part time employee with half of the experience, then the named plaintiff's. Both plaintiffs filed a complaint with the EEOC # 330-2004-00453 and 330-2004-00454. Both Plaintiffs' submitted to the EEOC records of School and other aspects of business which showed the EEOC that both Plaintiff's where qualified for the position held by the "Part time employee "Beverly Duddleson"

However, Ms. Duddleson during the Plaintiff's combined experience has a history of many business deals with the bank. The history of Ms. Duddleson working as a part timer quitting and then being 'rehired" each time at a higher pay rate. Then the Plaintiff's full time statuses of Twenty years. This information shall be presented to the Court during "Discovery" The Plaintiff's never received any kind of pay increases other then "Cost of Living." This shall also be presented during "Discovery". They have never been rewarded in any other matter for there loyal services to the bank. Ms. Duddleson was given a position, which the named plaintiff's and other bank employees call the "GHOST POSTION" Which was never posted to any Hispanic or other employees of the bank. The Plaintiff's will show through "Discovery" the Diagram that was given to each employee upon there hiring that this "GHOST POSITION" That Ms. Duddleson now holds was Unavailable and unaware to the Hispanic employees of the bank. Past and present, the plaintiff's will show through past employee's statements that they too never saw this "GHOST POSITION" or knew about this position until it was awarded to Ms. Duddleson. These statements will be given and presented as

“Evidence” with this civil action. During the Plaintiff’s twenty years of employment With the 1st National Bank of Eagle Lake. The Plaintiff’s will show that there was no job posting or interviews by any of the employee’s. In fact the plaintiff’s pointed this out to the EEOC investigator and the bank. The plaintiff’s requested the investigative report and it clearly shows false and misleading statements, which should not have any bearing in this case. **However, this untruth may have had a bearing as to the out come of this investigation.** Both plaintiffs’s where not able to show or tell the EEOC investigator Ms. Wright about the lies which was submitted to the investigator by the bank. Both individuals where given a “RIGHT TO SUE.” However, before this other added information was discovered. The Investigator Ms. Marline Wright had retired from the Government Agency.

Plaintiffs will show the court through “Evidence” the lies, altered documents. These lies and altered documents where submitted to the Federal Investigator to justify their actions to hire a person that was “Non-Hispanic. “ The Plaintiffs will show that Ms. Duddleson had many business trans- actions with the 1st National Bank of Eagle lake with personal loans to herself and then through her husband and also through her business which is a welding Company. “Duddleson Welding”. Also through this “Ghost Position” The plaintiffs mentioned this to the EEOC investigator. That Ms. Duddleson also was elected a short time later to Chamber of Commerce at Eagle Lake. However, the bank did not mention this at all?

CAUSE OF ACTION

1

The 1st National Bank of Eagle Lake has stated to a Federal Investigator. That an Act of Burglary was reported to the Police Department at Eagle that was committed by Morales. This was submitted as part of their defense given to the investigator of the EEOC. This is untrue with a written statement from the Chief of Police at Eagle lake. It will also show that no one in the Morales family had any type of report or investigation in reference to this false submitted report by the bank.

"United States Code annotated Title 18 "Crimes and Criminal" procedure 10001 + 1200. Page 163 states the following: "In prosecution for conspiracy to make and making, false statement to the United States "EEOC A GOVERNMENT AGENCY" government has burden of proving that false statement had intrinsic capability of influencing or affecting agency's or department decision." U.S. v. Valdez, C.A. 9 (CAL) 1979, 594 F.2d 725.

The plaintiff's shall furnish proof for the Court, Discovery and evidence.

The Chief of Police of Eagle Lake will also give statements and testify to this false document.

CAUSE OF ACTION

2

The First National Bank of Eagle and it's named defendants, submitted to the Federal Investigator. Documents that employees where asked about this "GHOST POSITION." As part of their defense. However, this questioner was done after the plaintiff mentioned this "Ghost Position" in there response to a letter addressed to Ms. Wright of the EEOC dated 04 March 2004. This questionnaire is questionable in two ways.

1. How was this questionnaire introduced into the investigation? Both Plaintiffs's asked an Investigator at the EEOC if this questionnaire was

part of there investigation. The Investigator stated No. The Plaintiff's will present this during Discovery and evidence they will state that this was done solely by the bank.

Which needs to be addressed and answered. 2 Who wrote it? And who signed it.? The plaintiff's believe that it was done not by the person who signed it but a third person. The plaintiff's will show this document in "Discovery and evidence. "It should have read in part "I accepted the position. However, the document which was submitted to the Federal Investigator stated. "***SHE ACCEPTED THE***

POSITION"

united States Code annotated Title 18 Crimes and Criminal produre 1001=1200." In order to convict a defendant of making a false statement to a federal agency, burden rests on government to prove beyond a reasonable doubt that defendant knowing made a false statement on matter within jurisdiction of a federal agency or department, that false statement related to a material matter, and that defendant acted willfully with knowledge of the falsity of the statement." US v Rodgres, C>A>5 (La) 1980, 624 F.2d 1350, 1303.

CAUSE OF ACTION

3

Since the 1st National Bank of Eagle Lake and it's defendants addressed this false document to the EEOC and its Investigator it's false statements and altered documents. The Plaintiffs feel that the Court should also address additional action with the U.S. Postal Service.

"62 Am jur 2d Post Office #144 Page 87 States " Person charged with a mail fraud violation need not have sent anything through the mails themselves, it is only necessary that they cause the mails to be used."

The Plaintiffs only seek to right a wrong and present the truth in their action with the EEOC.

CAUSE OF ACTION

4

The 1st National Bank of Eagle Lake and it's named defendants enjoyed for the

last twenty years of a professional nature by the named plaintiff's.

However, with the named defendants in the above action have expressed there True color by the proof of there lies and altered documents and untruths. Shows there contempt by Violating two Hispanic woman rights under 'EQUAL PAY'

Section 421:402 under the Equal Pay Standard Act.

"Gender based differentials in wages for equal work performed under similar working conditions and requiring equal skill, effort and responsibility is prohibited by the equal pay act. 29 CFR 1620.1 also 1620.9

The plaintiff has shown through there progress reports, which they signed and verified. That they where just if not more able to fill this "Ghost Position" which was created for a "part time white woman" only. It also shows that since this white woman had many businesses dealing with the bank. Was good enough Reasons to violate the equal pay standard Act. With two Hispanic- American females "The Plaintiff's. This then explains the history of the named Defendants rehiring over the last twenty years. The Banks history for the rehiring of such a "Good part- time employee" With a pay increase each time. Over looking non-whites with full time status.

CAUSE OF ACTION

5

The untruths that was made by the bank, and altering the truth they violated the

Hispanic workers there rights under **TITLE 7 OF THE civil Rights Act 401:62 (J) States** *"Nothing contained in this subchapter shall be interested to require any employer, employment agency, labor organization, or joint labor-management committee subject treatment to any individual or any group because of the Race, Color Religion, Sex, or national organ of such individual."*

This was done to both plaintiffs' with the intent to hire into "Ghost Position"

"WHITE ONLY NEED TO APPLY"

CAUSE OF ACTION

6

The 1st National Bank of Eagle Lake has not only violated Civil Rights laws and Equal Pay Acts. But it has also created an **ADVERSE IMPACT** too all none-white employees of the bank . The Bank has not shown the EEOC or this Court that they complied with the laws that govern us. Instead they have shown through there lies and altered documents that 'WHITE NEED ONLY APPLY" they also have shown that they disregarded not only Article VII but also the Executive order, which states. "Unless justified by business necessity." The Bank failed to prove their point only through lies and altered documents. Plaintiffs state the following:

Titles JOBS REQUIRING EQUAL SKILL INPERFORMANCE. "It must be measured in terms of the performance requirements of the job."

CLOSING

The Plaintiff's have shown through there complaint with the EEOC, that there was something wrong with the way they where treated. These plaintiffs's believed that the bank which they worked and worried about over twenty years was all for nothing. Yes they left the job, the bank might say "so what." Or show in public that they lost two employee. If they cared and worked under the laws of doing business. They would have looked into the problem of why such a "quick depart?" Without a hint of finding the cause of two valued employees. Remember this is a bank, "Did they do something illegal...? Instead they said "OK" Knowing full well what they the bank did was illegal and under pre Civil

Rights LAWS. "White only need to apply." The Plaintiff's has and will show that they where denied a given right under the law.

PRAYER

Relief under 706 of the Civil Rights Act of 1964

WHERE BY, Plaintiff's Requests:

1. The Court permanently enjoin defendants, it's agent, successors employees attorney and those acting in concert with it or at its direction, from continuing or marinating the policy, practice, custom and usage of denying, abridging conditioning, limiting, or otherwise interfering with the right of plaintiff's to compensation, promotion, overtime work, and enjoyment of opportunity with respect to other terms and conditions of employment on an equal basis with other employees without regard to plaintiff's color and national origin.
2. The Court allow plaintiff's costs, including reasonable attorney fees,
3. Such other or additional relief as may appear to the court to be equitable and just under Title VII of the Civil Rights Act of 1964
4. That Judgment is entered against 1st National Bank of Legal and all amend Defendant's in this action
5. That the Court allows Plaintiff's to continue under "Pro Se."

Re Becca Chambalant Joaquina Morales
127 West MAIN ST. 305 GUADALUPE ST.
Eagle Lake, TX 77434
Eagle Lake, TX 77434

JS 44
(Rev. 3/89)**CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

REBECCA CHAMBERLAIN

JONQUINA MORALES

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF

(EXCEPT IN U.S. PLAINTIFF CASES)

Wharton

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

REBECCA CHAMBERLAIN
127 WEST MAIN ST
3RD FLOOR, TEXAS**DEFENDANTS**

1ST NATIONAL BANK OF EAGLE LAKE

WILLIAM H. HARRISON

TRAVIS L. WEGENHART

CAROL HARRIS

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 620 Copyrights <input type="checkbox"/> 630 Patent <input type="checkbox"/> 640 Trademark SOCIAL SECURITY <input type="checkbox"/> 661 HIA (1395ff) <input type="checkbox"/> 662 Black Lung (923) <input type="checkbox"/> 663 DMC/DMM (405(g)) <input type="checkbox"/> 664 SSID Title XVI <input type="checkbox"/> 665 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 670 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 671 IRS — Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/CC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 610 Selective Service <input type="checkbox"/> 650 Securities/Commodities/Exchange <input type="checkbox"/> 675 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- Transferred from ☐ 5 another district (specify)
- ☐ 6 Multidistrict Litigation
- Appeal to District Judge from ☐ 7 Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

CIVIL RIGHTS VIOLATIONS - RACE - NATIONAL ORGAN

VII. REQUESTED IN COMPLAINT:CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S) (See instructions): IF ANY**

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Rebecca Chamberlain

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